

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE MACDONALD,

Plaintiff,

vs.

CIVIL NO. 1:16-cv-120 (GTS/CFH)

CSX TRANSPORTATION, INC.,

Defendant.

ORDER DISMISSING ACTION BY REASON OF SETTLEMENT

The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly; and counsel having also advised that no infant or incompetent is a party to this action, based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. Accordingly, it is hereby

ORDERED that this action is **DISMISSED** in its entirety, without costs, and **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This order is issued without prejudice to the right of the parties to secure reinstatement of the case within sixty (60) days after the date of this order by making a showing that the settlement was not, in fact, consummated; and in the event that no motion is made for reinstatement within sixty (60) days of the date of this order, the dismissal of this case shall thereafter be **with prejudice**. Any application to reopen filed after the expiration of that sixty (60) day period may be

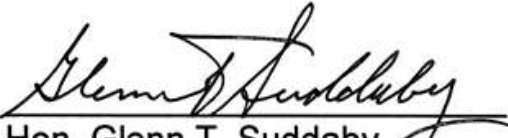
summarily denied solely on the basis of untimeliness, unless the time period is extended by the Court prior to its expiration.

If the parties wish for the Court to retain ancillary jurisdiction for the purpose of enforcing any settlement agreement, they must submit a request that the Court retain jurisdiction over enforcement of the agreement or submit the agreement to the Court for incorporation of its terms into an Order retaining jurisdiction within the above-referenced sixty (60) day period for reopening the matter.

The Clerk of the Court is directed to close this case.

SO ORDERED

Dated: August 15, 2017
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge